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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,942	03/13/2001	David F. Broadbent	437312000120	1917
7590 George D. Dickos, Esquire Kirkpatrick & Lockhart, LLP Henry W. Oliver Building 535 Smithfield Street Pittsburgh, PA 15222-2312			EXAMINER COLBERT, ELLA	
			ART UNIT	PAPER NUMBER
			3694	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/804,942

Applicant(s)

BROADBENT ET AL.

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/16/01, 9/11/03, 6/17/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-29 are pending. Claims 1-19, Group 1 have been elected without traverse and Group II, claims 20-29 have been withdrawn in response to the Election/Restriction of 5/09/06 and this Response to a Non-Final Action and New or additional drawings filed 10/01/06. The IDS filed 4/16/01, 09/11/03, and 06/17/04 have been considered and entered.
2. The amendments to the specification have overcome the Specification objections and is hereby withdrawn.
3. The submitted drawings have overcome the objection to the drawings and is hereby withdrawn.

Double Patenting

4. Claims 1-3, 8, 10-12, 17 and 19 are provisionally rejected on the ground of nonstatutory double patenting over claims 1, 3, 5, 7, 8, 10, and 11 of copending Application No. 11/074,321, hereafter referred to as '321. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: receiving a request to process a loan, generating a plurality of tasks, distributing the plurality of tasks, monitoring the completion of the plurality of tasks and a report of completion, authenticating a person submitting the request to process a loan, and creating a

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complete transaction and payment report. The claims recite methods, processing, and apparatus steps that are substantially the same and that would have been obvious to one of ordinary skill in the art. The '321 copending application listed above further recites the additional steps of including the loan being a mortgage loan with tasks required by applicable federal or state law, a voice portal device electronically coupled to the computer system whereby voice messages from users are received and translated into digital form passed to the computer system logic mechanisms for further processing, means for receiving a request to process a loan, and speech recognition means coupled to the apparatus for translating voice messages into digital form for processing by the apparatus.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

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be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 contains a clause of intended use in the independent claims which renders the claims indefinite. Specifically, claim 1 the sixth claim limitation recites "wherein the transactions are by voice input".

The Examiner considers these limitations to only recite what is expected to happen, a desired result, or an intended use. The MPEP discusses a type of limitation in reference to "wherein" clauses. MPEP § 2111.04 states:

Claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. However, examples of claim language, although not exhaustive, that may raise a question as to the limiting effect of the language in a claim are:

(A) "adapted to" or "adapted for" clauses;

(B) "wherein" clauses; and

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(C) "whereby" clauses.

Throughout the specification a mortgage loan is referenced. However, the claim only recites "a loan" or "the loan" in the independent claims. The claims as written could read on any loan.

Claims 2-9 are also rejected because they depend from a rejected base claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6, 10-15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,699,527) Davidson in view of (US 2001/0011366 A1) Beck et al, hereafter Beck.

Claim 1. Davidson discloses, A computer implemented method for automated processing of loans, the method comprising:

receiving a request to process a loan (col. 2, line 56 –col. 3, line 6- Summary of Invention); generating a plurality of tasks, the tasks comprising actions required to process the loan (col. 3, lines 7-25 –Summary of Invention); and distributing the plurality of tasks to one or more persons capable of performing one or more of the tasks (col. 4, lines 10-51 and col. 5, line 53 –col. 6, line 11). Davidson failed to disclose, accepting transactions from the one or more persons wherein the transactions

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are by voice input. Beck discloses, accepting transactions from the one or more persons wherein the transactions are by voice input (Page 5, col. 1 [0020], [0056] and 0062]). Davidson does disclose a modem in col. 5, line 39 which is a communications device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to accept transactions from the one or more persons wherein the transactions are by voice input and to modify in Davidson because such a modification would allow Davidson to have transactions such as voice calls or voice mails for interactive transactions between business partners.

Claim 2. Davidson discloses, The computer implemented method for automated processing of loans of claim 1 comprising the additional act of monitoring completion of the plurality of tasks whereby a report of completion of all required tasks can be generated (col. 5, lines 40-52).

Claims 3. Davidson discloses, The computer implemented method for automated processing of loans of claim 1 comprising the additional act of authenticating a person submitting the request to process a loan. (col. 5, lines 53-65 and col. 6, lines 12-39).

Claim 4. Davidson failed to disclose, The computer implemented method for automated processing of loans of claim 1 wherein voice input transactions by the one or more persons include input data and loan status query data. Beck discloses, The computer implemented method for automated processing of loans of claim 1 wherein voice input transactions by the one or more persons include input data and loan status query data (Page 18, col. 2 [0216] and page 21, col. 1 [0245]). It would have been

obvious to one having ordinary skill in the art at the time the invention was made to have the voice input transactions by the one or more persons include input data and loan status query data and to modify in Davidson because such a modification would allow Davidson to quickly perform particular defined processes according to enterprise needs in a timely and orderly fashion without human intervention.

Claim 5. Davidson failed to disclose, The computer implemented method for automated processing of loans of claim 4 wherein the input data and loan status query data are translated by speech recognition mechanisms into digital form. Beck discloses, wherein the input data and loan status query data are translated by speech recognition mechanisms into digital form (Page 11, col. 2 [0135], page 19, col. 2 [0226] –Page 20, line 2, Page 21, col. 1 [0244]-[0245]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the input data and loan status query data translated by speech recognition mechanisms into digital form and to modify in Davidson because such a modification would allow Davidson to have the capability to disseminate information which may initially not be human readable into digital form.

Claim 6. Davidson failed to disclose, The computer implemented method for automated processing of loans of claim 5 wherein a response to a loan status query data is translated from digital form into a form which produces a corresponding voice signal. Beck discloses, wherein the input data and loan status query data are translated by speech recognition mechanisms into digital form (Page 11, col. 2 [0135], page 19, col. 2 [0226] –Page 20, line 2, Page 21, col. 1 [0244]-[0245]). It would have been

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obvious to one having ordinary skill in the art at the time the invention was made to have the input data and loan status query data translated by speech recognition mechanisms into digital form and to modify in Davidson because such a modification would allow Davidson to have the capability to disseminate information which may initially not be human readable into digital form.

Claim 10. Davidson discloses, An apparatus for automated processing of loans comprising:

- a computer system having communications devices for receiving a request to process a loan (col. 2, line 56 –col. 3, line 6- Summary of Invention); the computer system having logic mechanisms programmed to generate a plurality of tasks, the tasks comprising actions required to process the loan, including tasks required by applicable federal or state law (col. 1, lines 54-58 and col. 3, line 7-25); and the computer system having additional logic mechanisms programmed to electronically distribute the plurality of tasks to one or more persons capable of performing one or more of the tasks (col. 4, lines 10-51 and col. 5, line 53-col. 6, line 11). Davidson failed to disclose, a voice portal device electronically coupled to the computer system whereby voice messages from users are received, translated into digital form and passed to the computer system logic mechanisms for further processing. Beck discloses a voice portal device electronically coupled to the computer system whereby voice messages from users are received, translated into digital form and passed to the computer system logic mechanisms for further processing (Page 5, col. 1 [0020]. Davidson does disclose a modem in col. 5, line 39 which is a communications device. It would have been obvious to one having

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ordinary skill in the art at the time the invention was made to accept transactions from the one or more persons wherein the transactions are by voice input and to modify in Davidson because such a modification would allow Davidson to have transactions such as voice calls or voice mails for interactive transactions between business partners.

Claim 11. Davidson discloses, The apparatus of claim 10 further comprising electronic logic devices programmed to monitor completion of the plurality of tasks and to generate a report of completion of all required tasks (Col. 5, lines 40-52).

Claim 12. Davidson discloses, The apparatus of claim 10 further comprising logic mechanisms programmed to authenticate a person submitting the request to process a loan (col. 5, lines 53-65 and col. 6, lines 12-39).

Claim 13. Davidson failed to disclose, The apparatus of claim 10 wherein the voice messages from users include input data and loan status query data. Beck discloses wherein the voice messages from users include input data and loan status query data (Page 18, col. 2 [0216] and page 21, col. 1 [0245]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the voice messages from users include input data and loan status query data and to modify in Davidson because such a modification would allow Davidson to quickly perform particular defined processes according to enterprise needs in a timely and orderly fashion without human intervention.

Claim 14. Davidson failed to disclose, The apparatus of claim 13 wherein the input data and loan status query data are translated by speech recognition mechanisms into digital form. Beck discloses, wherein the input data and loan status

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query data are translated by speech recognition mechanisms into digital form (page 11, col. 2 [0135], page 19, col. 2 [0226] –page 20, line 2, and page 21, col. 1 [0244] – [0245]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the input data and loan status query data translated by speech recognition mechanisms into digital form and to modify in Davidson because such a modification would allow Davidson to have the capability to disseminate information which may initially not be human readable into digital form.

Claim 15. Davidson failed to disclose, The apparatus of claim 14 wherein a response to a loan status query data is translated from digital form into a form which produces a corresponding voice signal. Beck discloses wherein a response to a loan status query data is translated from digital form into a form which produces a corresponding voice signal (page 11, col. 2[0135], page 19, col. 2 [0226] –page 20, line 2, and page 21, col. 1 [0244] –[0245]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the input data and loan status query data translated by speech recognition mechanisms into digital form and to modify in Davidson because such a modification would allow Davidson to have the capability to disseminate information which may initially not be human readable into digital form.

Claim 19. Davidson discloses,. An apparatus for automated processing of loans comprising:

- means for receiving a request to process a loan (col. 2, line 56 –col. 3, line 6-Summary of Invention); means, coupled to the means for receiving a request to process

a loan, for generating a plurality of tasks, the tasks comprising actions required to process the loan, including tasks required by applicable federal or state law (col. 3, line 7-25); means, coupled to the means for generating a plurality of tasks required to process the loan, for electronically distributing the plurality of tasks to one or more persons capable of performing one or more of the tasks (col. 4, lines 10-51 and col. 5, line 53-col. 6, line 11. Davidson failed to disclose speech recognition means coupled to the apparatus, for translating voice messages into digital form for processing by the apparatus (Page 5, col. 1 [0020]. Davidson does disclose a modem in col. 5, line 39 which is a communications device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have speech recognition means coupled to the apparatus, for translating voice messages into digital form for processing by the apparatus and to modify in Davidson because such a modification would allow Davidson to have transactions such as voice calls or voice mails for interactive transactions between business partners.

9. Claims 7-9 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,699,527) Davidson in view of (US 2001/0011366 A1) Beck et al, hereafter Beck further in view of Scott, Mike -"Is e-mortgage ready for takeoff?", hereafter Scott.

Claim 7. Davidson and Beck failed to disclose, The computer implemented method for automated processing of loans of claim 1 wherein the loan is a mortgage loan. Scott discloses, 1 wherein the loan is a mortgage loan (page 65, col. 1, paragraph 1). It would have been obvious to one having ordinary skill in the art at the time the

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invention was made for the loan to be a mortgage loan and to modify in Davidson because such a modification would allow Davidson to have a specific type of loan for automated processing since mortgage loans are a more common form of loan in the loan industry.

Claim 8. Davidson discloses, The computer implemented method for automated processing of loans of claim 1 wherein the plurality of tasks required to process the loan includes tasks which are based upon loan related laws and regulations comprising Federal, State, local and professional regulations and requirements and implementing instructions relating to loan processing (col. 1, lines 54-58).

Claim 9. Davidson and Beck failed to disclose, The computer implemented method for automated processing of loans of claim 1 comprising additional step of creating a complete transaction and payment report. Scott discloses the additional step of creating a complete transaction and payment report (page 2, col. 2 "HUD1").

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baker et al (US 6,456,974) disclosed a speech recognition server and a speech engine.

Inquiries

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741.

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The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 3, 2007


ELLA COLBERT
PRIMARY EXAMINER